

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In Re the matter of U.S. Telecom Long Distance, )  
Inc.'s proposed tariff to add a new intrastate ) **Case No. XT-2003-0256**  
connection fee to recover costs charged be local ) Tariff No. JX-2003-1319  
telephone companies. )

### MOTION FOR LEAVE TO FILE RESPONSE OUT OF TIME

COMES NOW U.S. Telecom Long Distance, Inc. ("U.S. Telecom"), pursuant to Commission Rule 4 CSR 240-2.050(3)(B), and for its Motion For Leave To File Response Out Of Time respectfully states as follows:

1. On January 30, 2003, the Missouri Public Service Commission ("Commission") issued its Order Directing Filing And Shortening Time For Response ("Order") in this matter, wherein the Commission ordered, *inter alia*: "2. That U.S. Telecom Long Distance, Inc. shall file its response to the Office of the Public Counsel's motion no later than February 3, 2003." (Order at 1).

2. Commission Rule 4 CSR 240-2.050(3)(B), Computation of Time, provides as follows:

When an act is required or allowed to be done by order or rule of the commission at or within a specified time, the commission, at its discretion, may --

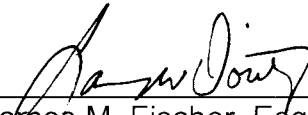
(B) After the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.

3. The representative for U.S. Telecom, Stacey A. Klinzman of the firm Millar Isar, Inc., Gig Harbor, Washington, received the Office of Public

Counsel's Motion on Monday, February 3, 2002, and thereafter contacted the undersigned law firm as local counsel, to determine the normal time frame within which a responsive pleading would be due. Only after checking the Commission's Electronic Filing and Information System did local counsel determine that the Commission's Order had been issued.

4. Accordingly, U.S. Telecom respectfully states that its failure to file its response to the Office of the Public Counsel's Motion by February 3, is the result of excusable neglect, and constitutes good cause for the Commission to permit U.S. Telecom to file its Response concurrently herewith.

Respectfully submitted,



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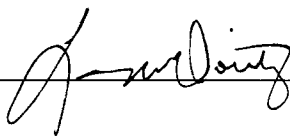
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Attorneys for U.S. Telecom Long  
Distance, Inc.

### CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record this 5<sup>th</sup> day of February, 2003.



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